

REMARKS

Claims 1, 9-11, 13 and 14 have been rejected under 35 USC § 102 as describing subject matter anticipated by the Sano et al. patent. Before proceeding with a discussion of the distinction between the subject matter presently claimed and the disclosure set forth in the Sano patent, it may be well to review the totality of pertinent teachings in the Sano patent. The device shown and described in the Sano patent is a unitary structure having a source of light for illuminating an area to be imaged, an imaging structure, a camera, and a transmitter for transmitting a signal to a remote location and including a power source for operating the various elements.

In contradistinction, the present invention includes two components that are intended to be and are segregable from one another. In particular, the endoscope includes a pair of fiber optic bundles, one of which conveys a light to illuminate the image to be viewed/recorded and the other, including a lens at the distal end of the endotracheal tube, conveys the image. The two fiberglass bundles terminate at a connector. The connector is coupled with a source of light and a camera to record the image. The image recorded is conveyed the image to a transmitter for transmitting the image to a receiver at a remote location. The image received by the receiver may be ultimately displayed on a video screen or the like.

A major advantage of the present invention over the Sano device and other prior art relates to cost and convenience. That is, the endotracheal tube need only be modified to contain

the two fiber optic bundles, a lens and a connector. The modular unit containing the light source, camera, battery and transmitter may be connected to any of several endotracheal tubes through the connector. Thereby, the costs of the endotracheal tube are significantly less than the Sano endotracheal tube. Moreover, the modular unit connectable to the endotracheal tube may be used with a multiplicity of endotracheal tubes.

Independent Claims 1, 9 and 14 have been significantly amended to more particularly point out and distinctly claim the invention. That is, these claims now recite the invention as a two part apparatus wherein one part is formed as part of the endotracheal tube and the second part is connectable thereto through a connector. No such structure is taught in nor even suggested by the Sano patent. Accordingly, independent Claims 1, 9 and 14 recite subject matter not disclosed in nor taught by the Sano patent. It is therefore respectfully requested that the rejection of independent Claims 1, 9 and 14 along with the remaining rejected dependent claims be withdrawn as failing to meet the requirements of 35 USC § 102.

Claim 14 has been further rejected under 35 USC § 102 as describing subject matter disclosed in the Berci patent.

As pointed out above, independent Claim 14 recites the present invention as comprising two readily disconnectable components. The first component includes the pair of fiber optic bundles formed as part of the endotracheal tube, including a lens at the distal end of one of the fiber optic bundles. Both fiber optic bundles terminate in a connector. The second component

includes a light source, a camera, a transmitter and a battery for providing the requisite electrical power. It is to be noted that the second component may be located far removed from the medical procedure being performed. In contradistinction, the Berci device and all of its components, which are not segregable, must be held by a medical personnel during an imaging procedure as all of the necessary components are part of a single unit and the components are not segregable from one another through use of a connector, as is true in the present invention, as recited in Claim 14.

Accordingly, the structure recited in Claim 14 is not disclosed in and therefore cannot be anticipated by any teachings in the Berci reference, as required by 35 USC § 102. Withdrawal of this rejection of Claim 14 is respectfully requested.

Claims 2-8, 12 and 15-20 have been rejected under 35 USC § 103 as describing subject matter obvious over certain teachings contained in the Sano patent. Of the remaining ones of these dependent claims, each one depends from an independent claim. Each of the independent claims recites a two component structure which is not true of the Sano device. Accordingly, the structure recited by the dependent claims remaining, taken in combination with the structure recited in the respective independent claims from which they depend, cannot be derived from any teachings or even suggestions in the Sano patent. Accordingly, withdrawal of the rejection under 35 USC §103 of the dependent claims remaining is respectfully requested.

Claims 1-13 and 15-20 have been rejected under 35 USC § 103 as describing subject

matter obvious over certain teachings contained in the Berci patent in view of further teachings contained in the Kazakevich patent. Both the Berci device and the Kazakevich device are unitary structures.

As discussed above and as clearly set forth in independent Claims 1, 9 and 14, the present invention is a two component device. One of these components is formed as part of the endotracheal tube and the second component is disengageably engageable therewith through a connector. Neither the Berci device nor the Kazakevich device is capable of being segregated in the manner recited in the independent claims. Accordingly, it would be impossible for one skilled in the art to come up with the present invention based upon any combination of teachings contained in the Berci and Kazakevich patents. Accordingly, withdrawal of the rejection of remaining ones of Claims 1-13 and 15-20 under 35 USC § 103 is respectfully requested.

In view of the amendments to the claims to more particularly point out and distinctly claim the invention, the review of the teachings contained in each of the three applied patents and the lack of correlation between such teachings and the invention as presently claimed, it is believed that the application is in condition for allowance, which allowance is respectfully requested.

Respectfully Submitted,

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